

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 2005-10286-PBS

DOMINIC V. DIMODICA,
Plaintiff,

v.

ROBERT MURPHY, ET AL.,
Defendants.

**DEFENDANTS' MOTION FOR ENLARGEMENT OF TIME
TO RESPOND TO PLAINTIFF'S AMENDED COMPLAINT**

Defendants Robert Murphy, Superintendent of the Massachusetts Treatment Center, Kathleen M. Dennehy, Commissioner of the Massachusetts Department of Correction, and the Massachusetts Department of Correction (the "Defendants"), hereby move this Court to enlarge the amount of time to respond to the Plaintiff's Amended Complaint (Document No. 35) by 45 days, up to and including January 15, 2007.

As reasons therefore, counsel states that further time is required in order to investigate and make an informed and intelligent response to the allegations contained within the plaintiff's complaint. Given that the Plaintiff originally filed his complaint on February 4, 2005, and has only recently filed the Amended Complaint on November 21, 2006, the Defendants' requested enlargement can not be considered prejudicial to the Plaintiff. Further, the Defendants' requested enlargement will not interfere with the current time limits set by the Court (Plaintiff's expert report due 1/20/07, Plaintiff's Summary Judgment Motion due 2/15/07, Defendants' Opposition due 2/28/07, Hearing on Summary Judgment Motions on 3/13/07). Finally, on December 1, 2006, counsel for the Plaintiff indicated that she had no objection to the requested enlargement.

For the all the reasons listed above, the Defendants move this Court for an enlargement of the time to respond to the Plaintiff's Amended Complaint, up to and including January 15, 2007.

Respectfully Submitted

by the Commonwealth

NANCY ANKERS WHITE
Special Assistant Attorney General

by: s/ BRENDA N. FRIGAULT
Brendan J. Frigault, Counsel
Department of Correction
Massachusetts Treatment Center
30 Administration Road
Bridgewater, Massachusetts 02324
(508) 279-8180
E-Mail: BJFrigault@DOC.state.ma.us
BBO Number 647669

Dated: December 1, 2006

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing, including:

Attorney for Plaintiff, Dominic DiModica
Jennifer Serafyn
SEYFARTH SHAW, LLP
World Trade Center East
Two Seaport Lane, Suite 300
Boston, MA 02210-2028

s/ BRENDA N. FRIGAULT
Brendan J. Frigault

Dated: December 1, 2006

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

CIVIL ACTION NO. 2005-10286-PBS

**DOMINIC V. DIMODICA,
Plaintiff,**

v.

**ROBERT MURPHY, ET AL.,
Defendants.**

CERTIFICATION OF COMPLIANCE WITH LOCAL RULE 7.1

Defendants Robert Murphy, Superintendent of the Massachusetts Treatment Center, Kathleen M. Dennehy, Commissioner of the Massachusetts Department of Correction, and the Commonwealth of Massachusetts (the “Defendants”), by and through undersigned counsel, hereby certify that Defendants’ counsel has conferred with counsel for the Plaintiff, in accordance with LR, D.Mass. 7.1. DOC Defendants’ counsel contacted Plaintiff’s counsel by phone on December 1, 2006, and Plaintiff’s counsel indicated that she did not object to the requested enlargement.

Respectfully Submitted

by the Commonwealth

NANCY ANKERS WHITE
Special Assistant Attorney General

by: s/ BRENDA N. FRIGAULT

Brendan J. Frigault, Counsel
Department of Correction
Massachusetts Treatment Center
30 Administration Road
Bridgewater, Massachusetts 02324
(508) 279-8180
E-Mail: BJFrigault@DOC.state.ma.us
BBO Number 647669

Dated: November 27, 2006

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing, including:

Attorney for Plaintiff, Dominic DiModica

Jennifer Serafyn
SEYFARTH SHAW, LLP
World Trade Center East
Two Seaport Lane, Suite 300
Boston, MA 02210-2028

s/ BRENDA N. FRIGAULT
Brendan J. Frigault

Dated: December 1, 2006